IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1985 of 2006
DATE OF ORDER: 15.2.2007

Daljit Kaur

...Petitioner(s)

Versus

Gopal Kaur

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. V.K. Sandhir, Advocate.
Mr. Gurcharan Dass, Advocate.

M.M. AGGARWAL,J

This is petition against judgment dated 14.1.2006 passed by Civil Judge(Jr.Divn.), Amritsar whereby prayer of Daljit Kaur, present petitioner for being imleaded as LR of Pritam Singh deceased decree-holder was declined.

It comes out that Pritam Singh had filed a suit for mandatory injunction against his own son Baldev Singh for directions to Baldev Singh to vacate and hand over the vacant possession of room, which was part of property bearing H.No.7578/25, Guru Arjan Dev Nagar, Tarn Taran Road, Amritsar. That suit was decreed by the trial Court on 15.11.1999. Appeal

filed by Baldev Singh was dismissed. Then Pritam Singh had died and Gopal Kaur widow of Pritam Singh had filed an application for executing the decree being widow and LR on the basis of a registered will executed by Pritam Singh on 9.11.2000. Daljit Kaur, who was daughter of Pritam Singh

had filed a separate application for being impleaded as LR of deceased Pritam Singh during those execution petitions.

As per the record, deceased Pritam Singh had left behind Gopal Kaur as widow, Baldev Singh as son, who is the JD, Hardev Singh another son and Daljit Kaur daughter. Hardev Singh did not come forward to file any application.

On behalf of the petitioner, it is argued that the fact whether Pritam Singh had executed any will is a matter of dispute and Daljit Kaur being one of the natural heir was entitled to become party in the execution proceedings and should have been brought as LR.

Counsel for the petitioner relies on judgments reported in Mehan Singh v. Amarjit Kaur, 1993(2) PLR 363, P&H and Charanjit Singh and Anr v. Bharatinder Singh and Others, 1987 RRR P&H 508.

Copy of the registered will has been produced on the file. Decree was between father and son. Father in whose favour, decree was passed had died and Gopal Kaur widow had produced the registered will showing that Pritam Singh had executed a will in her favour. Even if Daljit Kaur is a daughter and otherwise natural heir if there is no will, still I am of the view that in the facts and circumstances of the case, trial Court had rightly passed order dated 14.1.2006.

If decree is got executed by Gopal Kaur and she gets possession then Daljit Kaur may raise separate claim by filing suit against Gopal Kaur.

With this observation, petition stands dismissed.

February 15, 2007 (M.M. AGGARWAL)
manoj JUDGE